

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/516,978 §  
Applicants: Messe et al. §  
Examiner: Bryan Tung §  
Art Unit: Not Assigned §  
Title: Actinic Radiation Curable §  
Compositions And Their Use §

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Office of PCT Legal Administration  
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**RENEWED PETITION UNDER 37 C.F.R 1.47(a)**

Applicants respectfully request that the above-identified application be found acceptable under the provisions of 37 C.F.R. 1.47(a). Enclosed herewith is an affidavit by Sandra Bauwens providing proof of the pertinent facts of the non-signing inventor's refusal to join in the application. The last known address of the non-signing inventor is:

Mr. Barry Hayes  
Westlands  
33 High Street, eversdan  
Cambridgeshire CB3 7HE  
Great Britain

The Commissioner is hereby authorized to charge the fee required for this Petition as set forth in 37 C.F.R. 1.17(g), and any other fees which may be required by this paper, to Deposit Account Number 08-3442.

Respectfully Submitted,

Robert Holthus

Robert Holthus  
Reg. No. 50347

Date: 3/30/06

US Pat. App. Ser. No. 10/516,978

PATENT  
Page 1 of 1**THE UNITED STATES PATENT AND TRADEMARK OFFICE****Appl. No.: 10/516,978****Applicants: Messe et al****Examiner: Bryan tung****Art Unit: Not Assigned****Title: ACTINIC RADIATION CURABLE COMPOSITIONS AND THEIR USE****AFFIDAVIT IN SUPPORT OF APPLICANT'S RENEWED PETITION UNDER  
37 CFR 1.47 (a)**

I, Sandra Bauwens, declare that I make this affidavit in support of Applicant's renewed petition for filing under 37 C.F.R. 1.47.

1. I am Senior IP Formalities Admininstrator of Huntsman (Europe) BVBA;
2. On information and belief, MESSE Laurence Josette and HAYES Barrie are joint inventors of the invention disclosed and claimed in the above-identified application.
3. On 6 February 2006, Huntsman LLC received from the United States Patent and Trademark Office a dismissal of the petition under 37 CFR 1.47(a), which was filed by the Applicant on 22 August 2005. (exhibit 1)
4. The USPTO did not accept the petition under 37 CFR 1.14 (a) because the affidavit did not provide facts sufficient to establish the refusal or unavailability of the ommited inventor (Mr. Hayes), the omitted inventor's last known address and the required Petition Fee.
5. I prepared a cover letter attaching a copy of the corresponding published WO application including specification, claims and abstract of the above identified application. I also included the US assignment and US declaration for the above identified US patent application to be mailed for execution by the inventor Barrie Hayes. (exhibit 2)
6. On 14 February 2006, I sent the letter with enclosures to Mr. Hayes last known address namely Westlands, 33 High Street, Eversden, Cambridgeshire CB3 7HE, Great Britain.
7. On 16 February 2006 the documents were delivered at Mr. Hayes address and signed off for. (exhibit 3)
8. On 21 February 2006 I received a letter from Mr. Hayes in which he acknowledges receipt of my letter of 14 february 2006. He also informs us that he does not want to sign the documents because Huntsman never asked for his permission to commercially exploit the invention. But he welcomed some constructive discussion. (exhibit 4)

US Pat. App. Ser. No. 10/516,978

PATENT  
Page 2 of 2

9. On 21 March 2006, Colette Baruh, patent attorney and I called Mr. Hayes to discuss why he did not want to sign the documents. He informed me that he believed he was not treated correctly by Huntsman and he wanted to have the standard sales value of one tonne of SLA resin for compensation, which is 200 000 euro (= 240 719 USD). Colette Baruh told him this is not possible, as he already received remuneration for his work as consultant.
10. To date, on information and belief, both parties remain irreconcilable and Mr. Hayes remains unwilling to execute the inventor's declaration and assignment for the subject application.
11. I declare further that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made wth the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements jeopardize the validity of the application or any patent issuing thereof.

Signed by

Sandra BAUWENS

Date: 27/03/06

(Exhibit 1)

UNITED STATES PATENT AND TRADEMARK OFFICE

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31 JAN 2006

Huntsman LLC  
 Legal Department  
 10003 Woodloch Forest Drive  
 The Woodlands, TX 77380

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RESPONSE DUE:  
March 31, 2006

In re Application of MESSE et al	:
U.S. Application No.: 10/516,978	:
PCT Application No.: PCT/GB03/02410	:
Int. Filing Date: 04 June 2003	:
Priority Date Claimed: 06 June 2002	:
Attorney Docket No.: 128905-1004 (HAM 830006)	:
For: ACTINIC RADIATION CURABLE	:
COMPOSITIONS AND THEIR USE	:

DECISION

This is in response to the "Satisfaction of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" filed 22 August 2005, which is being treated as a petition under 37 CFR 1.47(a).

BACKGROUND

On 04 June 2003, applicant filed international application PCT/GB03/02410, which claimed priority of an earlier United Kingdom application filed 06 June 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 18 December 2003. The thirty-month period for paying the basic national fee in the United States expired on 06 December 2004.

On 03 December 2004, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 17 June 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 22 August 2005, applicant filed the present petition under 37 CFR 1.47(a).

Application Number: 10/516,978

-2-

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventor on his own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.

When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that joint inventor Barrie Hayes refuses to sign the application papers. However, petitioner has not adequately shown that a bona fide attempt was made to present a copy of the application papers to Hayes for signature. In particular, the letter dated 09 February 2003 did not include a copy of the application papers. The hypertext link in the body of the letter is not equivalent to providing an actual copy of the application papers. Furthermore, the link is not operational. Moreover, the petition does not include documentary evidence (i.e. a copy of the DHL confirmation) which illustrates that the correspondence was received by Hayes. In addition, the petition does not sufficiently demonstrate that Hayes refuses to sign. Specifically, the affidavit of Britt Van Essche fails to provide details of applicant's response to Hayes' letter dated 20 February 2005. It is noted that Hayes' letter does not state that he refuses to sign. Thus, it would not be reasonable to conclude at the present time that Hayes refuses to join in the application.

Application Number: 10/516,978

-3-

With regard to item (3) above, applicant is advised that effective 22 November 2004, the fee for a petition under 37 CFR 1.47 increased to \$200.00. Any fee deficiency will be charged to Deposit Account No. 08-3442 as authorized by applicant.

With regard to item (4) above, the petition does not state the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)".

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

*Bryan Tung*

Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 571-272-3303  
Facsimile: 571-273-0459

**HUNTSMAN**

Intellectual Property Department  
Tel +32 (0)2 758 99 55 • Fax +32 (0)2 758 90 75

Mr Barry Hayes  
Westlands  
33 High Street, eversdan  
Cambridgeshire CB3 7HE  
Great Britain

14 February 2006

Re: International application No. PCT/GB03/02410 – national phase  
Title: ACTINIC RADIATION CURABLE COMPOSITIONS AND THEIR USE  
Our ref: HAM 830006/US

Dear Mr. Hayes

A year ago, we contacted you to sign a declaration and assignment for the US, regarding the above patent application.

You informed us in your letter of 20 February 2005 you were reluctant to sign and explained us why. We sincerely hope that in the meantime the situation has been cleared.

Now, we contact you again and would like to ask you to review your opinion and nevertheless sign the documents.

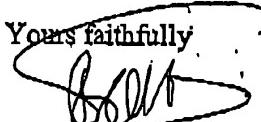
For your information, I enclose a copy of the published international application. I also enclose the declaration and assignment for the US which requires your simple signature.

We would be grateful if you could return the signed documents to my attention at the address below.

Please do not hesitate to contact me if you have further questions.

Thank you for your kind co-operation.

Yours faithfully



Sandra Bauwens  
Sr IP Formalities Administrator  
Huntsman (Europe) BVBA  
Everslaan 45  
3078 Everberg  
Belgium  
Tel +32 2 758 94 43  
[Sandra\\_bauwens@huntsman.com](mailto:Sandra_bauwens@huntsman.com)

## ASSIGNMENT

FOR good and valuable consideration, the receipt of which is hereby acknowledged, We:

**MESSE** Laurence Josette  
address: 49 Pilgrim Close, Great Chesterford, Essex CB10 1QC, UK

**HAYES** Barrie James  
address: Westlands, 33 High Street, Eversden, Cambridgeshire CB3 7HE, Great Britain

hereby sell and assign to HUNTSMAN ADVANCED MATERIALS AMERICAS INC, a corporation of the State of Delaware, having a place of business at 500 Huntsman Way, Salt Lake City, Utah 84108 U.S.A., its successors and assigns, the entire right, title and interest in and to our invention relating to

### "Actinic Radiation Curable Compositions and their Use"

(D#HAM 830006),

in and for the territory of the United States of America, and we hereby assign to HUNTSMAN ADVANCED MATERIALS AMERICAS INC. the application for United States Letters Patent that was filed on June 04, 2003 as Application Serial Number PCT/GB2003/002410, and all United States patents granted therefor and all divisions, reissues, continuations and extensions thereof, and we hereby sell and assign to the HUNTSMAN ADVANCED MATERIALS AMERICAS INC., its successors and assigns, the entire right, title and interest in and to the invention in and for all countries foreign to the United States of America, and we hereby covenant that we have full right so to do, and we agree that we will sign all lawful papers, execute all divisional, continuation and reissue applications, authorizations, assignments, and application papers, make all rightful declarations, affirmations, and oaths and generally do everything possible to aid HUNTSMAN ADVANCED MATERIALS AMERICAS INC., its successors, assigns and nominees, to obtain and enforce proper protection for the invention in all countries throughout the world.

Inventors' Signatures (Full Names):

---

Laurence Josette

MESSE

Date

---

Barrie James

HAYES

Date

**DECLARATION FOR PATENT APPLICATION**

As an undersigned inventor, I hereby declare that:

My residence, post office address and country of citizenship are as stated directly below my name.

I believe (check one)  I am the original, first and sole inventor  
 I am a joint inventor and the below named inventors are the original and first inventors

of the subject matter which is claimed and for which a patent is sought on the invention entitled  
**ACTINIC RADIATION CURABLE COMPOSITIONS AND THEIR USE;**  
HAM 830006

the specification of which

(check one)  is attached hereto.

was filed on 04 June 2003

as Application Serial No. PCT/GB2003/002410

and was amended on \_\_\_\_\_ (if applicable).

I further declare that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office (hereinafter "the Office") all information known to me to be material to patentability of the subject matter which is claimed as defined in 37 C.F.R. §1.56.

I hereby claim provisional and/or foreign priority benefits under 35 U.S.C. §119 of any provisional and/or foreign application(s) for patent or inventor's certificate indicated below and have also identified below any provisional and/or foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed, all of which have been filed by me or by the assignee.

Provisional/Prior Foreign Application(s)			Priority	
Number	Country	Day/Month/Year Filed	Claimed	
<u>0212977.3</u>	<u>GB</u>	<u>06 june 2002</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. §112, I

acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No. \_\_\_\_\_ Filing Date \_\_\_\_\_ Status (patented, pending, abandoned) \_\_\_\_\_

Address all telephone calls to Robert Holthus at telephone number (281) 719-4553.

Address all correspondence to:

Legal Department  
HUNTSMAN CORPORATION  
10003 Woodloch Forest Drive  
The Woodlands, TX 77380  
(281) 719-4829  
(281) 719-4045 (Fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor Laurence Josette MESSE

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 49 Pilgrim Close, Great Chesterford, Essex CB10 1QC, Great Britain

Citizenship FR

Post Office Address Same as above

Full name of second joint inventor, if any Barrie James HAYES

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Westlands, 33 High street, Eversden, Cambridgeshire CB3 7HE, Great Britain

Citizenship GB

Post Office Address Same as above

## (12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
18 December 2003 (18.12.2003)

PCT

(10) International Publication Number  
**WO 03/104296 A1**

(51) International Patent Classification?: C08G 59/68, C08L 63/00 (74) Agents: SCOTT, Susan, Margaret et al.; Abel & Imray, 20 Red Lion Street, London WC1R 4PQ (GB).

(21) International Application Number: PCT/GB03/02410

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(84) Designated States (*regional*): ARIPO patent (GH, GM, KE, LS, MW, M2, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR), OAPI patent (BR, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NB, SN, TD, TG).

(25) Filing Language: English

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(30) Priority Data:  
0212977.3 6 June 2002 (06.06.2002) GB

(71) Applicant (*for all designated States except US*): VANTICO AG [CH/CH]; Klybeckstrasse 200, CH-4057 Basel (CH).

(72) Inventors; and

(75) Inventors/Applicants (*for US only*): MESSE, Laurence, Josette [FR/GB]; 49 Pilgrim close, Great Chesterford, Essex CB10 1QG (GB). HAYES, Barrie, James [GB/GB]; Westlands, 33 High Street, Everden, Cambridgeshire CB3 7HE (GB).

**WO 03/104296 A1**

(54) Title: ACTINIC RADIATION CURABLE COMPOSITIONS AND THEIR USE

(57) Abstract: Actinic radiation curable compositions comprising at least one actinic radiation curable, cationically polymerisable compound and at least one cationic photoinitiator, may be stabilised by the use of a stabiliser which is a complex of a Lewis acid (other than a fluorine-containing boron compound) and a Lewis base.

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February 15, 2006	04:46	East Midlands - UK	Departed from DHL facility in East Midlands - UK
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February 15, 2006	08:08	Cambridge - UK	Arrived at DHL Facility
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February 16, 2006	07:41	Cambridge - UK	Arrived at DHL Facility
February 16, 2006	08:13	Cambridge - UK	Shipment delivered

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Westlands  
33, High Street  
Little Eversden  
Cambs CB3 7HE  
England  
(0)1223 262 558

21<sup>st</sup> February 2006

f.a.o. Sandra Bauwens  
Sr IP Formalities Administrator  
Huntsman (Europe) BVBA

Dear Ms Bauwens

I thank you for your letter concerning my assignment of United States Letters Patent PCT/GB2003/002410 to HUNTSMAN ADVANCED MATERIALS AMERICAS Inc "FOR good and valuable consideration, the receipt of which is hereby acknowledged"

Unfortunately I have to tell you that despite my carefully written explanation of the circumstances surrounding my invention relating to this patent no satisfactory result from my point of view has ensued. I was told by your offices that I should deal with the Duxford authorities on this matter which I attempted to do. This resulted in a rather acrimonious telephone conversation with Mrs Patel and nothing further.

I see no point in repeating my letter here but put simply I offered this idea to Vantico, and under the accepted terms of our secrecy agreement no commercial exploitation should have been made without my written permission. None was ever asked for and none was given although to my certain knowledge the company has been selling products based on this idea for some time. The supporting data has lain with my solicitor for sometime until I wished to activate it.

I would just say once again that I am not an unreasonable or difficult person but I have been treated with complete disregard from those responsible people in Duxford, whether they were aware of it at the time or not. The latter I anticipate is the case. In the circumstances I would welcome some constructive discussion and consideration which would lead me to sign the requested documents.

I was for many years an inventive and constructive employee of Ciba in it's many guises and I wish it's successors well, but I was requested to help after my retirement not the other way round.

Yours sincerely,

Barrie Hayes



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